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STUDY  
PROJECT

**AIR PIRACY AND TERRORISM  
DIRECTED AGAINST U.S. AIR CARRIERS**

BY

**LIEUTENANT COLONEL CHARLES E. MARTIN**  
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**TITLE:** AIR PIRACY and TERRORISM DIRECTED AGAINST U.S. AIR CARRIERS

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Air piracy and terrorism have presented an increasing challenge to the air carriers of the United States and to the air carriers of the rest of the world. The air carriers of the United States represent a particularly lucrative target because airlines are symbols of nations. Airliners, which may be carrying as many as 350 hostages or victims, can be pirated and controlled by a small force. Or they can be blown up by a small explosive device placed in baggage or cargo. Terrorist groups and air pirates differ significantly in their goals, aims, means, capabilities as well as many other characteristics. They represent causes and ideals which cover the ideological spectrum. No matter their cause or ideal they cause confusion and fear in the government and population of their target country. This study will examine air piracy and terrorism historically and provide a survey of more recent highly publicized and political acts against U.S. air carriers.

## USAWC MILITARY STUDIES PROGRAM PAPER

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### AIR PIRACY and TERRORISM DIRECTED AGAINST U.S. AIR CARRIERS

#### An INDIVIDUAL STUDY PROJECT

by

Lieutenant Colonel Charles E. Martin  
United States Army

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Project Adviser

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## INTRODUCTION

The nature of terrorism takes on a particular meaning when directed against commercial aviation. Terrorists perpetuate random acts of violence, directed unpredictably at symbolic rather than real targets. The terrorists' aim, as Secretary of State George Shultz observed early in 1985, is "to impose their will by force, a special kind of force designed to create an atmosphere of fear. The terrorists want people to feel helpless and defenseless."<sup>1</sup> And so they place a bomb in a loaded 727 and divert it to the Middle East. Since the victims are victims not because of anything they personally have done, but just because of their associations or nationality, or even just their location at the moment of the crime, everyone can identify with their fate. The fearful question is "Will it be me next time?"<sup>2</sup>

Americans find it very difficult to understand this kind of terrorism because it comes from a values orientation which is much older than that of most contemporary Americans. Terrorism reflects an eighth-century rather than a twentieth-century mind; the attitudes of terrorists are subsequently converted to dramatic acts which express that archaic state of mind. This way of thinking might be called "symbolic-transference". Hatred for an enemy -- say, Israel -- is transferred to anything which symbolizes the hated quality of the enemy -- for example, an American jetliner. To the contemporary mind airplanes are nothing more than a means of transportation.<sup>3</sup> But to the terrorists, they may be emblems of the hated West, of slavery in the colonial past, of the destruction of treasured values by modernization. America, moreover, is the friend of Israel. In eighth-century terms, "the friend of my enemy is my enemy."<sup>4</sup>

All acts of hijacking (air piracy) have one element in common: They involve the forcible diversion of an aircraft against the will of its air crew. The first main wave of aerial hijackings started after World War II with the advent of the Cold War Era, when various people seized military or civilian aircraft to flee communist countries of Eastern Europe in order to claim asylum in the West.<sup>5</sup> Such "East-West political escapes" are no longer necessary because of the new political climate in the East.

A second category of hijackings were those committed by mentally ill persons during the sixties and early seventies. These people were not politically astute. They were not trying to strike terror into a States population. They simply wanted to return to Cuba, or sought the publicity given by the media to such events. Current ground detection procedures use personallity profiles drawn from this group in an attempt to deter this kind of hijacking.<sup>6</sup>

A third group of hijackings can be categorized as hijacking for profit -- the sky bandit category. Herein, the hijackers dominant motive is the expectation of quick enormous financial gain. Such hijackers have "earned" a certain degree of perverse public respect, even to the extent of having songs and movies made about their escapades. The most celebrated hijacker of this category -- perhaps the most celebrated hijacker of all times -- is D. B. Cooper. He parachuted from a hijacked Northwest Orient Airlines Boeing 727 jet, on 24 November 1971, somewhere between Seattle, Washington and Reno, Nevada, with \$200,000 in ransom money, after holding the air crew as hostage. Cooper remains un-apprehended; his identity is the subject of countless theories.

A final group of hijackers -- confined in geographical terms essentially to the Middle-Eastern countries, or at least to nationals or former nationals of those countries have sought to solve or continue unresolved international conflicts by unconventional means. A relatively new tactic of this kind of international terrorist does not involve the apprehension of the aircraft at all. Simply by placing an explosive device aboard an aircraft to kill hundreds of innocent people, they gain notoriety for their cause or simply wreak revenge against a hated nation. The Pan-Am 103 tragedy over Lockerbie, Scotland, offers the most publicized example of this kind of hijacker terrorism.

Hijacking is nothing new. It was used as early as the times of Julius Caesar. It was formally called kidnapping for ransom, or piracy, or highway robbery, or a holdup depending on the circumstances. But its means were always much the same: A vehicle got held up, either on land or on the high seas. Now we have the aircraft skyjacker or terrorist. These people are pirates, too. But generally they are not common thieves. Cash pay-offs will not appease them. It may seem a long historical stretch from the marauding Barbary pirates to the pirating or destruction of airliners by guerrilla groups. But all such acts have a common thread: You do this, or else!

The first recorded skyjacking took place in 1930. It was not the work of some mentally deranged person. It was pulled off by a group of political activists in Peru, which had been rocked by revolution for years. A group of rebels commandeered an aircraft piloted by an American, Byron D. Richards, and used it to shower Peru with propaganda pamphlets.<sup>7</sup> Ironically thirty one years later, Captain Byron D. Richards was the Captain of a Continental Boeing 707 that was skyjacked from Los Angeles to



Houston.<sup>8</sup> This was the first jet aircraft to be skyjacked. Between 1930 and 1961 there were thirty-two skyjacking attempts, but not one of a United States air carrier.

The first skyjacking of a U.S. air carrier took place on May 1, 1961, when a National Airlines Convair 440 was diverted to Cuba. Thus began the numerous skyjackings to Cuba during 1961. But it was not until August 9th when a Pan Am DC-8 was skyjacked to Cuba that the U.S. public became outraged and demanded that something be done. This flight was the third U.S. registered airliner to be commandeered; it was the first successful jet hijacking. Our national pride had been wounded. Now we were alarmed. Then the first of considerable anti-hijack legislation was passed, making it a federal offense for unauthorized persons to carry concealed weapons aboard airliners. It also made it a federal crime to assault, intimidate, or threaten crew members. It as well called for prison terms of up to twenty years or even death for convicted air pirates. Some airlines put security guards on many of their flights. The FAA required crews to keep cockpit doors locked except during takeoffs and landings.<sup>9</sup>

This legislation seemed to have worked, for it was several years before another U.S. airliner was skyjacked. October 26, 1965 marked the first skyjacking of a U.S. Commercial Airliner in over four years. It was not successful. A few weeks later on November 17, 1965, a sixteen year-old straight-A student attempted to hijack a National Airlines DC-8 enroute to Melbourne, Florida. The plane landed safely in New Orleans after the boy was disarmed by a passenger. The next several years were quiet for United States Air Carriers. Then on February 21, 1968, the first successful

skyjacking in seven years occurred when a Delta DC-8 was forced to fly to Cuba.<sup>10</sup>

The new year brought an increase in the number of skyjackings. However, all of these skyjackings appeared to have been conducted by disenchanting Cuban exiles. The State Department announced that it would permit Cuban exiles to return home free on airplanes destined to Cuba in return for our being able to pick up victims of airliners that were previously hijacked. But, Castro vetoed the exchange.

Then it seemed that hijacking was simply a manifestation of poor relations between the U.S. and Cuba. Other governments paid little attention. But the International Air Transport Association, headed by Knut Hammar skjöld, showed enough concern to hold talks with Castro. Hammar skjöld frankly told the Cubans that as long as they did not actively discourage the hijacking, the general public would consider Cuba as being in part responsible.

The momentum increased again in 1969 when 58 airliners were diverted to Cuba from the United States and other countries. That same year also marked a turning point in the types of skyjackings. On August 29, a TWA Boeing 707 was skyjacked for political purposes by a group known as the Popular Front for the Liberation of Palestine. It was diverted to Syria, where it landed safely but was then blown up. All the passengers were freed, except for two Israeli men. They were detained for three months until thirteen Syrians held prisoner by Israel were released.

A new era of skyjackings thus had begun.<sup>11</sup> Now the perpetrators were not simply seeking to return to their homeland. They were making political statements and exchanging hostages for their imprisoned brothers. Aircraft were destroyed. This

Syrian hijacking prompted the International Federation of Airline Pilots Association (IFALPA) to hold an emergency meeting; they threatened a twenty-four hour worldwide strike unless the United Nations took action. They also protested to the Syrian government that no action had been taken against the hijackers. They did not strike, but their pilots position was clear. The hijacker was increasingly employing sabotage or the threat of it to achieve his aims. About this time, the new Boeing 747 jumbo-jet entered service. The prospect of a hijacked or sabotaged 747 prompted the Federal Aviation Administration to adopt two new anti-hijack measures which called for checking the personality profile of passengers and a magnetometer inspection of passengers.

The first Boeing 747 was skyjacked on August 2, 1970, only eight months after its first commercial flight.<sup>12</sup> The flight included 360 passengers and 19 crew members. It was diverted to Cuba by a Rudolfo Rios. When it landed at José Martí Airport, Castro himself came to admire it. The plane was promptly returned to the United States. But how had Mr. Rios evaded the new measures? The Labor Day week-end of 1970 saw four successful hijackings by the Popular Front for the Liberation of Palestine. And once again the nature of hijackings changed. Four aircraft were destroyed at a cost of \$52 million dollars; 430 passengers were held hostage for a long time. They were released in exchange for 2,000 Palestinian guerrillas.

Clearly new deterrents were needed. And the personality profile and manometer screening had to be more vigorously enforced. But more was needed.

Each new dimension of hijackings further frustrated officials attempting to prevent them. The shock of the Labor Day weekend air piracies prompted President Richard M. Nixon to issue a strong statement of the United States position in regard to "the menace of air piracy."<sup>13</sup> Specially trained armed guards (sky marshals) would be placed aboard U.S. airliners. Development of new security techniques would be accelerated. Appropriate U.S. agencies would share with foreign counterparts anti-hijacking techniques. The U.S. government would press for international acceptance of multi-lateral conventions and agreements for swift extradition and punishment of hijackers. President Nixon then urged the community of nations to join the United States in multilateral agreements and prompt extradition of all hijackers. (See Appendix I, for Significant International Legislation to Deter Air Piracy). These new initiatives helped. Yet it would be over two years before the United States would see a decrease in hijackings.

On 5 December 1972 the United States Government issued an emergency order requiring all U.S. commercial airlines by 5 January 1973 to institute a search of all passenger's carry-on luggage. They were also directed to begin electronically searching for possession of weapons. The order further required that by 5 February 1973 each of the nation's 531 commercial airports would station an armed officer from a local law enforcement agency at boarding gates before every airline flight.<sup>14</sup> This requirement was to supplement the screening because the new breed of hijackers were "unequal in their ruthlessness and their wanton disregard for human life," according to Benjamin O. Davis, assistant-Secretary of Transportation.<sup>15</sup>

The cost of these new measures would be borne for by the traveling public through higher air fares. The Airline Pilots Association welcomed the measures, but airline management was not overjoyed by the prospect of raising air fares. The new measures allowed the Federal Aviation Administration to fine airports or airlines up to \$1,000.00 a day for any failure to comply with the strict anti-hijacking measures.<sup>16</sup>

The new measures were immediately challenged in the courts by certain criminal elements who, while not planning hijacking attempts, were losing contraband which turned up during pre-boarding searches. The constitutional issue posed to the courts was whether this contraband narcotics, obscene material, etc. should be admissible as evidence in subsequent prosecutions. Those who objected to the admission of this evidence argued that its use by prosecutors violates the Constitution's Fourth Amendment guarantee against unreasonable searches and seizures. The debate also raised the issue of whether the security officers administering the screenings and searches were constitutionally obligated to give appropriate warning to passengers that they are not obliged to submit to the searches. They could elect instead not to board the aircraft. Insuing decisions in the federal courts have tended to go against prosecution authorities, thereby making anti-hijacking measures legally difficult.<sup>17</sup>

Even so the new methods produced instant results. There was only one skyjacking attempt of a U.S. Airliner in 1973. The rest of the decade of the seventies saw few successful hijackings of United States registered airliners. The following

statistics detail the hijacking attempts on U.S. airliners from 1961 through 1990, the latest year of published statistics.

Chronology of Hijackings of  
U.S. Registered Airlines<sup>18</sup> 1961 - 1990

YEAR	NUMBER	SUCCESSFUL	DESTINATION
1961	5	3	Cuba (4)
1965	2	0	Cuba (2)
1968	16	13	Cuba (14)
			Vietnam (1)
			Mexico (1)
1969	40	33	Cuba (37)
			Syria (1)
			Italy (1)
			Mexico (1)
1970	26	17	Cuba (13)
			Lebanon (1)
			Cairo (2)
			Jordan (1)
1971	26	12	Cuba (11)
			Ransom (1)
1972	29	10	Cuba (6)
			Algeria (2)
			Honduras (1)
			Ransom (1)
1973	1	0	
1974	3	0	

YEAR	NUMBER	SUCCESSFUL	DESTINATION
1975	5	0	
1976	2	1	France
1977	5	0	
1978	8	0	
1979	11	5	Cuba (2) Ireland (1) Mexico (1) Oregon (1)
1980	21	13	Cuba (13)
1981	7	1	Cuba (1)
1982	8	3	Cuba (3)
1983	18	13	Cuba (12) New Jersey (1)
1984	5	4	Cuba (3) New York (1)
1985	4	1	Lebanon
1986	4	0	
1987	4	0	
1988	2	2	New York (1) Grand Turk (1)
1989	2	1	Miami
1990	4	1	Canada



A resurgence of hijackings began in the 1980's, the most spectacular happening in 1985. Trans World Airlines Flight 847, commanded by Captain John Testrake, was on the scheduled flight from Athens, Greece to Rome, Italy. The 14 June 1985 act of terrorism began just minutes after takeoff from Athens when armed Shiite terrorists demanded to be flown to Algiers. The ordeal of Flight 847 lasted over two weeks. The flight was forced to fly to Lebanon, then Algiers, then back to Lebanon -- as country after country refused to allow 847 to land. It was becoming a political pawn. Each time the aircraft made a stop, the terrorists made new demands to authorities. In Algiers they first demanded the release of Lebanese hostages in Israel be released. These demands were not met, so this infuriated the terrorists. They began beating some of the passengers mercilessly. When their demands were not immediately met upon landing in Lebanon the second time, they shot Robert Stethem, a U.S. Navy diver.<sup>19</sup> This time they demanded that the Amal militia join the hijacking. The Amal leadership did not respond. Shortly after the Stethem killing five more terrorists boarded Flight 847.

After refueling and a wait of several hours, Captain Testrake was ordered to fly to Algiers once again. When the aircraft landed once again in Algiers, the terrorists repeated their original demands that Lebanese terrorists held by Israel be released. They also took the opportunity of denouncing America for everything wrong in the world while the aircraft sat baking in the sun for over 12 hours. They further demanded that one of the original hijackers, who failed to get on board in Athens, be brought to the aircraft. Fearing further bloodshed, Algerian officials arranged for him

to be brought aboard. This prompted the hijackers to release fifty passengers in Lebanon including nineteen women and nine children.

All of the remaining hostages were American men. The hijackers strategy was increasingly clear; they would force the United States to pressure Israel into releasing the prisoners it was holding. The hijackers then forced Capt. Testrake and his crew to fly once more to Lebanon. While landing the aircraft the crew shut off the fuel supply to one of the engines and immediately the instrument panel lit up with an array of caution and warning lights. The crew was able to convince the hijackers they would not be able to take off again. So they stayed on the tarmac in Lebanon for the next sixteen days.

Back in the United States frantic diplomatic efforts were initiated. The Reagan administration was fearful that this could turn out to be a hostage crisis of similar proportions of the one that had plagued his predecessor.<sup>20</sup> The administration also was fearful of staging a rescue attempt that might turn out to be a disaster, such as Carters' Desert One. But the nightmare of Flight 847 finally came to an end on 30 June 1985 when the last of the American hostages were released, followed by Israels' release of the shiite hostages held at the Atlit camp.

Almost eight years after this hijacking the hero of Flight 847, Captain John Testrake would rather not speak about the incident.<sup>21</sup> The extended drama of Flight 847, covered in great detail by American newspapers and television crews, had a dramatic impact on the U.S. public's confidence in aviation security. The FAA responded to the public's concern by imposing stricter standards, known as

extraordinary security procedures, at airports where the risk of terrorist attack seems greatest. Both Heathrow and Frankfurt airports were covered by these extraordinary security procedures.

As a result of the hijacking of Flight 847 the Foreign Airport Security Act was enacted.<sup>22</sup> This Act directs the Secretary of Transportation to conduct periodic security assessments of foreign international airports used by American carriers and airports from which foreign carriers last depart to the United States. The Act draws its ultimate authority from the Sovereign U.S. right to control landing rights in this country. In conducting these assessments under the Foreign Airport Assessment Program, the Secretary of Transportation must consult with the Secretary of State on the extent of the terrorist threat in each country. If the assessment determines that an airport's security procedures are deficient, the Secretary of Transportation notifies the foreign government. The Secretary of State must be advised of such notifications, which includes recommended steps necessary to correct the deficiencies. A deficiency sets in motion a 90 day period during which the foreign government must bring its airport up to standard. If it fails to do so, the Act imposes a series of sanctions:

- . the Secretary of State must issue a travel advisory
  - . the identity of the airport must be published in the Federal Register
  - . the decision must be advertised publicly and
  - . a travel advisory must be included with all tickets between the United States and that airport.<sup>23</sup>
- Since the program began in 1986, the FAA has conducted 957

foreign airport assessments and made 1,082 recommendations. In most cases the foreign airports correct the deficiencies immediately.

The other significant security measure adopted in the wake of Flight 847 was a rule requiring the airlines to match a passenger with their baggage.<sup>24</sup> The airline industry resisted the rule vehemently, primarily because of the enormity of the numbers (estimated to be billions of pieces of baggage world wide). But as has proved true follow adoption of earlier security measures, hijackings dropped significantly after passenger -- baggage matching became mandatory. But a more sinister and deadly form of terrorism would threaten airlines and cause massive loss of life in 1988.

#### PAN AM FLIGHT 103

At three minutes past seven on the evening of Wednesday, 21 December 1988, a bomb exploded in the forward cargo hold of a Pan Am Boeing 747, which was cruising at 31,000 feet above Lockerbie, Scotland. Two hundred seventy people died in what has become Britain's worst air disaster.<sup>25</sup> The story of Flight 103 really begins at least as far back as 1986 when the FAA implemented extraordinary security measures as a response to the hijacking of TWA Flight 847. Pan Am was experiencing difficulty in implementing these extraordinary security measures, apparently due to monetary reasons.<sup>26</sup> The FAA was concerned about Pan Am's implementation of the increased security measures and held a meeting with Pan Am officials to discuss the security procedures.

The procedures that Pan Am found most problematical were means of screening people who serviced the aircraft overseas and transferring passengers from another airline. Connection times tended to be close at airports at busy hubs in Europe, especially Frankfurt. Under the FAA extraordinary measures, transfer passengers often fit into a risk "profile" or category, necessitating extra screening including x-ray of their baggage. This process could cause delays if the bag of a particular passenger had to be located.

To minimize such delays, Pan Am purchased additional x-ray equipment to x-ray baggage of all transfer passengers, whether or not they were selected for further screening. It satisfied the FAA requirements for screening baggage accompanying passengers, but it did not satisfy measures for passenger to baggage matches.

The FAA issued 14 security bulletins and three follow ups between 1 June 1988 and 21 December 1988 to U.S. air carriers operating from Western Europe. Two of those bulletins generally warned of the possibility of Iranian retaliations for the downing of the Iranian airbus over the Persian Gulf in July of 1988. In October 1988 the West German authorities raided residences of members of the Popular Front for the Liberation of Palestine -- General Command. The authorities seized weapons, explosives and a Toshiba radio cassette that had been tampered with. Days later they discovered another cassette that had been rigged as a bomb and equipped with a barometric triggering device. The German authorities notified carriers operating from Frankfurt of their discovery and specifically warned them that the device would be very difficult to detect by x-ray. The FAA was aware of the bulletin and issued their own

bulletin on the device, but it had no procedure to verify that all air carriers received the bulletin.<sup>27</sup>

At least two other warnings of a bombing of an American flight were known in early December 1988. The American Embassy in Finland had received an anonymous call from a person with a Middle-Eastern accent stating the names of two Abu Nidal terrorists who would engineer the bombing of a Pan Am aircraft flying from Frankfurt to the United States. The Finnish police conducted an investigation and concluded the threat was not credible. They passed along this information and assessment to U.S. officials, who accepted this conclusion. They did not even pass the information on to the FAA!<sup>28</sup>

The United States Embassy in Moscow received the same information from Finland and gave it wide dissemination throughout the U.S. community within Moscow, where the U. S. Embassy notified Pan Am. So by Wednesday 21 December, Pan Am had good reason to be extremely vigilant as 243 passengers were waiting to board Flight 103. Passengers arrived at London's Heathrow airport from Frankfurt, and their baggage was transferred without adequate screening to the waiting 747. Flight 103 bound for New York lifted off from Heathrow at 6:25 P.M. and headed for New York.

The bomb that had been placed aboard detonated at 7:02 and killed all aboard. The aftermath of the bombing brought about the greatest detective story of all time. Investigators recovered thousands of chunks of the 747, some no larger than a paper clip. All were cataloged.<sup>29</sup> They were able to determine that the #2 engine was still working. In fact they found inside that engine a piece of cable that was used in one of

the baggage containers (#AVE 4041 PA). Blast damage was contained to only two baggage containers, so the search concentrated on the bags inside those two containers. A tiny chunk of circuit board was traced to the Toshiba Corporation of Japan, where they learned it was used to manufacture a specific radio cassette player. They also found traces of two components of an explosive known as Semfex-H.

Investigators ruled out the passengers who boarded in London and concentrated on those who boarded in Frankfurt, because their baggage had not been checked in London. They were able to narrow their search to a bronze colored Samsonite bag. They also reached another conclusion; the bag had not been checked in by any of Flight 103's passengers.<sup>30</sup> It was further traced to Malta, where someone had placed a New York destination tag on its handle. Then it was loaded in Frankfurt, then again in London. Since no one at Pan Am was trying to identify unaccompanied bags, the bag with the bomb was routinely placed on board the 747.

Through some incredible laboratory and detective work, investigators linked the bronze Samsonite bag to two Libyan men, Lamen Khalifa Fhimah and Abdel Basset Ali al-Megrahi, both agents of the Libyan intelligence service.<sup>31</sup> Prosecutors charged that the Libyan government had provided them with Semfex and detonators. They further charged that other conspirators also were involved. Apparently, these terrorists were retaliating for the bombing raid on Libya in 1986. Qaddafi has subsequently refused to give up those responsible for the bombing of Flight 103.

### CONCLUSION

How safe is air travel against Air Piracy and Terrorism? Over 200 million passengers flew internationally in 1988; 259 of them died in the bombing of Pan Am

flight 103. As indicated in the historical review of hijacking, after each incident of Air Piracy or Terrorism new security measures have been adopted. But national will and the moral coverage to exercise it are the ultimate means to combat this form of war. The FAA should become more proactive in its approach to aviation security, and should vigorously enforce regulations governing security. The Presidents Commission on Aviation Security and Terrorism have made these broad recommendations, along with several more specific security advisories.

Israel's recent deportation of over 400 Palestinians, will certainly increase the tensions of Middle Eastern politics, and more radical groups will ever again be seeking ways to retaliate against Israel and her big friend, the U.S. The dissolution of Eastern Bloc countries has made their weapons available to terrorist groups. More and more foreign airlines are buying portions of U.S. airlines, blurring the difference between them.

What is to prevent the IRA armed with a heat seeking missile, bought from a former Soviet Bloc country, from downing a U.S. Air/British airways 757 arriving at London from Pittsburgh? Or what could prevent a Northwest/KLM 747 landing in the Netherlands from Minneapolis from being brought down by a bomb smuggled aboard by the Red Brigade?

While airline travel remains the safest form of travel, continued Air Piracy and Terrorism seems inevitable. In fact, I predict that we will have to deal with a new form of Air Piracy. We will witness a "new wave" of airliners hijacked to the United States from Cuba, Haiti, the Balkan countries, and Central and South America.



In fact, we witnessed the first example of this on 29 December 1992, when the pilot and passengers of a Cuban Airliner landed in Miami and requested asylum.<sup>32</sup>

Handling this new influx of hijackers will undoubtedly present a challenge to the new administration and to the United Nations.

## APPENDIX I<sup>33</sup>

### SIGNIFICANT INTERNATIONAL LEGISLATION TO DETER AIR PIRACY

The Chicago Convention on International Civil Aviation established the International Civil Aviation Organization in 1944. It is a specialized technical body of the United Nations composed of 157 member nations that assemble once every three years. Its executive body in the interim is a council consisting of representatives from 33 member nations who are elected by the assembly on the basis of their relative importance in international air transport and of geographical distribution. The Chicago Convention has established international security standards and recommended practices. Three additional conventions and one Protocol seek as well to govern aviation security internationally: The Tokyo Convention of 1963, the Convention on Offenses and Certain Other Acts Committee on Board Aircraft. One hundred and thirty eight parties to the Convention.

#### Provisions:

- . Ensure that there will always be a jurisdiction in which a person who has committed a crime on board an aircraft can be tried.
- . Provide the pilot with law enforcement authority aboard an aircraft; and
- . Provide for Contracting States to take measures to restore control of the aircraft to the pilot before and during cases of interference.

The Hague Convention of 1970, Convention for the suppression of unlawful seizure of aircraft. One hundred forty two parties to the convention.

**Provisions:**

- . Define unlawful seizure, hijacking
- . Provide for universal jurisdiction, arrest and custody over the suspected offender
- . Provide that prosecution or extradition of the suspected offender take place without restrictions

The Montreal Convention of 1971, Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. One hundred forty three parties to the convention.

**Provisions:**

- . Consider sabotage, and other violent acts against a person on board an aircraft and
- . Provide for universal jurisdiction over the offender and in general, contains provisions on custody, extradition, and prosecution similar to those in the Hague Convention.

The Montreal Protocol of 1988,<sup>2734</sup> Protocol for the Suppression and Unlawful Acts of Violence at Airports serving International Civil Aviation. Seventeen parties to the Protocol.

**Provisions:**

- . Provide for acts of violence against civil aviation which occur at airports and ticket offices which were overlooked in the Montreal Convention.

Annex 17. International Standards and Recommended Practices, security, safeguarding International Civil Aviation against Acts of Unlawful Interference, fourth edition -- October 1989. There are one hundred sixty two contracting states.

**Provisions:**

- . Establish 40 standards and recommended practices to be applied by Contracting States.
- . Require each State to create a national civil aviation program which includes measures to prevent weapons and explosives on board planes.
- . Arrange for surveys and inspections of security measures.
- . Ensure 100 per cent baggage passenger reconciliation.
- . Control transfer and transit passengers and their cabin baggage to prevent unauthorized items from being brought aboard an aircraft.
- . Protect against the tampering of cargo baggage and mail.
- . Prevent unauthorized access to aircraft and secure parts of the airport.
- . Recommend the inclusion of aviation security clauses in bilateral agreements, and
- . Recommend pre-flight checks at aircraft to discover weapons and bombs.



## ENDNOTES

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30. Cox, 105
31. Cox, 173
32. Lebanon Daily News, 30 December 1992
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